

AMENDED IN ASSEMBLY APRIL 10, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2469

Introduced by Assembly Member Linder

February 21, 2014

An act to amend Section ~~34601~~ 471 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2469, as amended, Linder. Vehicles: pickup trucks.

~~Existing law, the Motor Carriers of Property Permit Act, provides for the issuing of permits for motor carriers of property upon the payment of a fee and proof of insurance and workers' compensation coverage. The act defines a "commercial motor vehicle" as, among other things, any motortruck of 2 or more axles that is more than 10,000 pounds gross vehicle weight rating (GVWR). Existing~~

Existing law requires motor carriers of property to annually pay a permit fee. Existing law defines a motor carrier of property as a person operating a commercial motor vehicle for specified purposes, but excludes pickup trucks from the definition of "commercial motor vehicle" for these purposes. Existing law defines a "pickup truck" as a motortruck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, pounds and an unladen weight of less than 8,001 pounds, and which that is equipped with an open box-type bed not exceeding 9 feet in length. Existing law provides that a "pickup truck" does not include a motor vehicle otherwise meeting the definition of a

“pickup truck” that is equipped with a bed-mounted storage compartment unit commonly called a “utility body.”

This bill would change the definition of “commercial motor vehicle” for purposes of the act by increasing the GVWR for a motortruck of 2 or more axles to 11,500 or more pounds, thereby excluding any motortruck of 2 or more axles, and any pickup truck, that is less than 11,500 pounds from the act’s provisions; bill would revise the definition of “pickup truck” by deleting the requirement that the vehicle be equipped with an “open box-type bed” and by deleting the exclusion for a motor vehicle with a “utility body.”

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 471 of the Vehicle Code is amended to*
2 *read:*

3 471. A “pickup truck” is a motor truck with a manufacturer’s
4 gross vehicle weight rating of less than 11,500 pounds, an unladen
5 weight of less than 8,001 pounds, and ~~which is equipped with an~~
6 ~~open box-type~~ *a bed not exceeding 9 feet in length. “Pickup truck”*
7 ~~does not include a motor vehicle otherwise meeting the above~~
8 ~~definition, that is equipped with a bed-mounted storage~~
9 ~~compartment unit commonly called a “utility body.”~~

10 ~~SECTION 1. Section 34601 of the Vehicle Code, as amended~~
11 ~~by Section 13.5 of Chapter 500 of the Statutes of 2013, is amended~~
12 ~~to read:~~

13 34601. (a) ~~As used in this division, “motor carrier of property”~~
14 ~~means a person who operates a commercial motor vehicle as~~
15 ~~defined in subdivision (c). “Motor carrier of property” does not~~
16 ~~include a household goods carrier, as defined in Section 5109 of~~
17 ~~the Public Utilities Code, a household goods carrier transporting~~
18 ~~used office, store, and institution furniture and fixtures under its~~
19 ~~household goods carrier permit pursuant to Section 5137 of the~~
20 ~~Public Utilities Code, a person providing only transportation of~~
21 ~~passengers, or a passenger stage corporation transporting baggage~~
22 ~~and express upon a passenger vehicle incidental to the~~
23 ~~transportation of passengers.~~

1 ~~(b) As used in this division, “for-hire motor carrier of property”~~
2 ~~means a motor carrier of property as defined in subdivision (a)~~
3 ~~who transports property for compensation.~~

4 ~~(c) (1) As used in this division, except as provided in paragraph~~
5 ~~(2), a “commercial motor vehicle” means a self-propelled vehicle~~
6 ~~listed in subdivision (a), (b), (f), (g), or (k) of Section 34500, a~~
7 ~~motortruck of two or more axles that is equal to or more than~~
8 ~~11,500 pounds gross vehicle weight rating, and any other motor~~
9 ~~vehicle used to transport property for compensation.~~

10 ~~(2) As used in this division, “commercial motor vehicle” does~~
11 ~~not include any of the following:~~

12 ~~(A) A vehicle identified in subdivision (f) of Section 34500, if~~
13 ~~the gross vehicle weight rating of the towing vehicle is 10,000~~
14 ~~pounds or less.~~

15 ~~(B) A vehicle identified in subdivision (g) of Section 34500, if~~
16 ~~the hazardous material transportation does not require the display~~
17 ~~of a placard under Section 27903, a license under Section 32000.5,~~
18 ~~or a hazardous waste transporter registration under Section 25163~~
19 ~~of the Health and Safety Code, and the vehicle is not operated in~~
20 ~~commercial use.~~

21 ~~(C) A vehicle operated by a household goods carrier, as defined~~
22 ~~in Section 5109 of the Public Utilities Code, under the household~~
23 ~~goods carrier permit pursuant to Section 5137 of that code.~~

24 ~~(D) A vehicle operated by a household goods carrier to transport~~
25 ~~used office, store, and institution furniture and fixtures under its~~
26 ~~household goods carrier permit pursuant to Section 5137 of the~~
27 ~~Public Utilities Code.~~

28 ~~(E) A pickup truck as defined in Section 471, if the conditions~~
29 ~~in subparagraphs (A) and (B) are also met.~~

30 ~~(F) A two-axle daily rental truck with a gross vehicle weight~~
31 ~~rating of less than 26,001 pounds, when operated in noncommercial~~
32 ~~use.~~

33 ~~(G) A motortruck or two-axle truck tractor, with a gross vehicle~~
34 ~~weight rating of less than 26,001 pounds, operated solely to tow~~
35 ~~a camp trailer, trailer coach, fifth-wheel travel trailer, trailer~~
36 ~~designed to transport watercraft, or utility trailer. A vehicle~~
37 ~~combination described in this subparagraph is not subject to Section~~
38 ~~27900, 34501.12, or 34507.5.~~

~~(H) A motortruck or two-axle truck tractor, with a gross vehicle weight rating of less than 16,001 pounds, operated singly in noncommercial use.~~

~~(d) As used in this chapter, “private carrier” means a motor carrier of property, who transports only his or her own property, including, but not limited to, the delivery of goods sold by that carrier.~~

~~(e) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.~~

~~SEC. 2. Section 34601 of the Vehicle Code, as added by Section 14 of Chapter 500 of the Statutes of 2013, is amended to read:~~

~~34601. (a) As used in this division, “motor carrier of property” means a person who operates a commercial motor vehicle as defined in subdivision (c). “Motor carrier of property” does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, a person providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.~~

~~(b) As used in this division, “for-hire motor carrier of property” means a motor carrier of property as defined in subdivision (a) who transports property for compensation.~~

~~(c) (1) As used in this division, except as provided in paragraph (2), a “commercial motor vehicle” means a self-propelled vehicle listed in subdivision (a), (b), (f), (g), or (k) of Section 34500, a motortruck of two or more axles that is equal to or more than 11,500 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation.~~

~~(2) As used in this division, “commercial motor vehicle” does not include any of the following:~~

~~(A) A vehicle identified in subdivision (f) of Section 34500, if the gross vehicle weight rating of the towing vehicle is 10,000 pounds or less.~~

~~(B) A vehicle identified in subdivision (g) of Section 34500, if the hazardous material transportation does not require the display~~

1 of a placard under Section 27903, a license under Section 32000.5,
2 or a hazardous waste transporter registration under Section 25163
3 of the Health and Safety Code, and the vehicle is not operated in
4 commercial use.

5 (C) A vehicle operated by a household goods carrier, as defined
6 in Section 5109 of the Public Utilities Code, under the household
7 goods carrier permit pursuant to Section 5137 of that code.

8 (D) A vehicle operated by a household goods carrier to transport
9 used office, store, and institution furniture and fixtures under its
10 household goods carrier permit pursuant to Section 5137 of the
11 Public Utilities Code.

12 (E) A pickup truck as defined in Section 471, if the conditions
13 in subparagraphs (A) and (B) are also met.

14 (F) A two-axle daily rental truck with a gross vehicle weight
15 rating of less than 26,001 pounds, when operated in noncommercial
16 use.

17 (G) A vehicle never operated in commercial use, including a
18 motortruck or two-axle truck tractor, with a gross vehicle weight
19 rating of less than 26,001 pounds, when operated singly, or, when
20 used to tow a camp trailer, trailer coach, fifth-wheel travel trailer,
21 trailer designed to transport watercraft, or a utility trailer, never
22 operated in commercial use. A vehicle combination described in
23 this subparagraph is not subject to Section 27900, 34501.12, or
24 34507.5.

25 (d) As used in this chapter, "private carrier" means a motor
26 carrier of property, who transports only his or her own property,
27 including, but not limited to, the delivery of goods sold by that
28 carrier.

29 (e) This section shall become operative on January 1, 2016.